

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 6, 2009

DIVISION TWO

B205512 People (Certified for Publication)
v.
Samaniego, et al.

The judgments are modified to strike the parole revocation fines and are otherwise affirmed. The matter is remanded with directions to the trial court to correct appellants' abstracts of judgments to reflect that the victim restitution is imposed jointed and severally and to strike the parole revocation fines.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION THREE

B205497 People (Not for Publication)
v.
Vernon Whitaker, et al.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

April 6, 2009 (Continued)

DIVISION THREE (continued)

B206565 People (Not for Publication)
v.
Bob Bejarano

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B204023 People
v.
Avendano

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 7:30 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

B206750 California Grocers Association
v.
City of Los Angeles
Los Angeles Alliance for a New Economy

Merits:

Argued by John Carvalho, deputy city attorney for appellant City of Los Angeles, by Henry Willis for appellant Los Angeles Alliance for A New Economy and by Richard Ruben for respondent. Cause submitted.

DIVISION FIVE, (continued)

B204712 Pacific Employers Insurance Co.
v.
Employers Insurance Company of Wausau

Merits:

Argued by Deborah Aiwasian for appellant and by Robert Cattnach for respondent. Submission deferred until April 20, 2009.

Court recessed.

Court reconvened at 9:05 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B207108 People v. Lewis

Argument waived, cause submitted.

B204316 Kristel Crews
v.
Lawrence Fishburne

Merits:

Argued by Gerald Serlin for appellant and by David Fink for respondent.
Cause submitted.

B204874 Kevin Farr
v.
California Coastal Commission, et al.

Merits:

Argued by Jill Pietrini for appellant and by Laurie Pearlman, deputy attorney general, for respondents. Cause submitted.

DIVISION FIVE (continued)

B211358 Ralph Thompson
 v.
 Shigeko Burget

Merits:

Argued by James Bostwick for appellant and by James Link for respondent.
Cause submitted.

B204859 Noeman Samuels
 v.
 Sohrab Shakib

Merits:

Argued by David Bower for appellant and by Michael Kenney and Kathryn Marshall for respondents. Cause submitted.

Court recessed.

Court reconvened at 10:25 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B210103 People v. Robinson
B207851 People v. Thomas

Argument waived, cause submitted.

B203709 Men Pham
 v.
 Tung Vo

Merits:

Argued by Jonathan Nguyen for respondent. Argument previously waived by appellant. Cause submitted.

April 6, 2009 (Continued)

DIVISION FIVE (continued)

B207572 Hyung Kim
 v.
 Francesca's Collections

Merits:

Argued by Tracey Kennedy for appellant and by Barry Florence for respondent. Cause submitted.

B205506 People
 v.
 Roy DeBose

Merits:

Argued by Martin Velez for appellant and by Allison Chung, deputy attorney general, for respondent. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J., and J. Belcher, Deputy Clerk.

Each of the following:

B209076 People v. Harvey
B208419 People v. Tor
B204199 People v. Newels

Argument waived, cause submitted.

April 6, 2009 (Continued)

DIVISION FIVE (continued)

B207403 Matthew Neavill

v.

California Academy for Liberal Studies, etc.

Merits:

Argued by Lee Franck for appellant and by Joseph Catmull for respondent.

Cause submitted.

Court Adjourned.

DIVISION SIX

B205458 Lyon

(Not for Publication)

v.

Black

The order of the trial court denying Lyon's motion to recall the writ of execution is affirmed. Respondent shall recover costs.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

B205162 People

(Not for Publication)

v.

Richardson

We modify the judgment to reflect a stay of sentence pursuant to section 654 regarding count 2, robbery, and to correct the abstract of judgment to reflect imposition of a single term of 25 years to life for count 1. The trial court shall amend the abstract of judgment accordingly and forward the amended abstract to the Department of Corrections. The judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

DIVISION SIX (continued)

B203754 People (Not for Publication)
v.
Shadza

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B203966 People (Not for Publication)
v.
Flores

The judgment is modified to reflect that the five-year enhancement imposed pursuant to section 667, subdivision (a) shall run consecutive, not concurrent, to the sentence. The judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B209268 Ventura County Human Services Agency
v.
L.B., et al.
In the Matter of R.B., et al.

Filed order denying petition for rehearing.

April 6, 2009 (Continued)

DIVISION SEVEN

[illegible]

The maximum term of confinement is stricken. As modified, the juvenile court's order is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B210105 People v. Cho (Not for Publication)

The judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

B207277 People (Not for Publication)
v.
Kindle

The judgment is affirmed.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

April 6, 2009 (Continued)

DIVISION SEVEN (continued)

B209305 People (Not for Publication)
v.
Redd

The judgment is affirmed. However, the superior court is directed to prepare a corrected minute order and to prepare and forward to the Department of Corrections and Rehabilitation a corrected abstract of judgment showing imposition of the upper term of three years on count 1, second degree commercial burglary, and sentencing stayed on count 2, forgery, pursuant to section 654, and imposition of the one-year prison term enhancement.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION EIGHT

B207622 Los Angeles County, D.C.F.S. (Not for Publication)
v.
R.R.

The juvenile dependency court's orders are affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
O'Neill, J. (Assigned)

DIVISION EIGHT (continued)

B212420 Floyd S. Dotty et al., (Not for Publication)

v.

Superior Court, Los Angeles County

(Alex Meruelo et al., r.p.i.)

The orders granting summary adjudication (1) on the first and second causes of action for fraud; (2) on the sixth cause of action cause of action for restitution; and (3) as to Hartman as a plaintiff on the eighth cause of action are all vacated and the trial court is directed to enter orders denying these motions. The balance of the summary adjudication orders are affirmed. Petitioners are to be given leave to amend the complaint to seek the imposition of a constructive trust. Petitioners are to recover their costs in these proceedings.

Flier, J.

We concur: Rubin, Acting P.J.
 Bauer, J. (Assigned)

B201435 Johnson

v.

Bostwick

Filed order denying petition for rehearing.

B204345 A.N., a Minor, etc.,

v.

County Of Los Angeles et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)